

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	Miscellaneous Action
	:	No. 07-334
Petitioner,	:	
-against-	:	(SIFTON, J.)
	:	
BEN ASERO a/k/a,	:	
BALDASSARO ASERO, Officer of	:	
JBJ FOODS, LTD.,	:	
	:	
Respondent.	:	
- - - - -	x	

The United States having filed a Petition to Enforce an Internal Revenue Summons on August 6, 2007 (the "Petition"), together with papers in support thereof, and the Court having issued an Order to Show Cause, dated August 9, 2007, requiring the appearance of respondent BEN ASERO a/k/a BALDASSARO ASERO on October 9, 2007 at 4:30 PM to show cause why the relief requested in the Petition should not be granted, and the parties having appeared, and the United States having made a prima facie showing pursuant to United States v. Powell, 379 U.S. 48, 57-58 (1964) that it is entitled to the relief requested in the Petition,, and it appearing on the basis of the foregoing that the Petition should be granted,

IT IS HEREBY ORDERED that on or before Monday, December 10, 2007, at 10:00 A.M., BEN ASERO a/k/a BALDASSARO ASERO shall provide IRS revenue officer Matthew Grasso with the documents regarding the tax liability of JBJ Foods, Ltd. for the tax periods ending December 31, 1997, December 31, 1998, December 31, 2001, December


31, 2002, December 31, 2003, December 31, 2004, and December 31, 2005, requested in the IRS Summons dated May 17, 2006, and shall appear before revenue officer Matthew Grasso or his designee on Monday, December 10, 2007, at 10:00 A.M., to give testimony regarding those tax years, at One Lefrak City Plaza, 4<sup>th</sup> Floor Corona, NY 11368. IT IS HEREBY ORDERED that service of a copy of this Order upon respondent BEN ASERO a/k/a BALDASSARO ASERO by certified mail on or before October 12 2007 shall be deemed good and sufficient service.

IT IS HEREBY ORDERED that, in the event BEN ASERO a/k/a BALDASSARO ASERO fails to comply fully with this Order, this Court may, pursuant to 26 U.S.C. § 7604(b) and Shillitanti v. United States, 384 U.S. 364, 370 (1966), in order to achieve full compliance with this Order, impose civil or criminal contempt sanctions in a dollar amount sufficient to effect such compliance, as well as any other civil and criminal contempt sanctions within its power.

SO ORDERED.

Dated: Brooklyn, New York  
October 12, 2007

s/Hon. Charles P. Sifton

  
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Honorable Charles P. Sifton  
Senior United States District Judge